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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,978	03/15/2000	Sean Nolan	004444.P001	9734

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EXAMINER

DINH, KHANH Q

ART UNIT PAPER NUMBER

2151

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/526,978	Applicant(s) NOLAN, SEAN	
	Examiner Khanh Dinh	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-11, 13, 14, 21-24, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 13, 14, 21-24, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This is in response to the Amendment and Response filed on 9/15/2005. Claims 1-4, 6-11, 13, 14, 21-24, 26 and 27 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4, 6-11, 13, 14, 21-24, 26 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Sonnenberg, U.S. pat. No.6,523,023.

As to claim 1, Sonnenberg discloses a computer implemented method comprising:

storing data on a server (134 fig.1) coupled to receive requests from client devices (terminals 122, 132 fig.1) over a network (internet 116 fig.1) and generating a set of one or more common search requests for subsets (internet search agents 140,

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142, 146 fig.1) of the product data based on a frequency of previously received search requests (frequency of searching, see col.5 lines 24-43) for requesting the subsets of the product data and designation of a search request if the search request requests for at least a portion of the product data (see abstract, fig.1, col.4 lines 28 to col.5 line 65).

performing searches in response to the set of common search requests to identify one or more products, storing on the server (134 fig.1) a result of the searches based on the common search requests (initiating multiple Internet Search Agents ISAs to handle user's requests and reporting search results generated by ISAs, see col.4 line 60 to col.5 line 43 and col.9 lines 15-56).

receiving at the server a subsequent search request from a client device (122 fig.1), determining whether the subsequent search request is one of the common search requests and providing results without performing the subsequent search request (i.e., using Internet search agents ISAs for searching information by accessing commercial search engines such as yahoo, Excite... and reporting search results generated by ISAs, see col.5 lines 4-65 and col.9 lines 15-56).

if the subsequent search request is one of the common search requests, providing results from the stored results of the common search requests previously generated in response to the common search requests without performing the subsequent search request if the subsequent search request is equivalent to one of the common search requests and performing the search for the subsequent search request if the subsequent search request is not equivalent to one of the previously performed

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common search requests (reporting search results generated by ISAs to the initiating ISA for further processing) (see fig.2, col.6 line 13 to col.7 line 45 and col.9 lines 5-56).

As to claim 2, Sonnenberg discloses all requests from a particular user during a session are directed to the server (see fig.2, col.6 lines 13-65 and col.10 line 36 to col.11 line 12).

As to claim 3, Sonnenberg discloses all requests that occur between a first request of the session and a predetermined period of time (off peak time) during which no request is received by the server (see col.5 lines 24-65 and col.6 lines 13-43).

As to claim 4, Sonnenberg discloses the data and information related to the session are maintained in volatile memory of the server (see fig.2, col.6 lines 13-65 and col.10 line 36 to col.11 line 12).

As to claims 6 and 7, Sonnenberg discloses one or more searches for a category of information relating to various products and information for use with an electronic commerce World Wide Web site (see fig.2, col.6 lines 13-65 and col.10 line 36 to col.11 line 12).

Claims 8-11, 13 and 14 are rejected for the same reasons set forth in claims 1-4, 6 and 7 respectively.

Claims 21-24, 26 and 27 are rejected for the same reasons set forth in claims 1-4, 6 and 7 respectively.

Response to Arguments

4. Applicant's arguments with amended claims filed on 9/15/2005 have been fully considered but they are not persuasive.

- Applicant asserts that the cited reference does not disclose determining whether the subsequent search request is one of the common search requests and providing results without performing the subsequent search request.

Examiner respectfully disagrees. Examiner respectfully point out that Sonnenberg discloses determining whether the subsequent search request is one of the common search requests and providing results without performing the subsequent search request (i.e., using Internet search agents ISAs for searching information by accessing commercial search engines such as yahoo, Excite... and reporting search results generated by ISAs to the initiating ISA for further processing, see col.5 lines 4-65 and col.9 lines 15 to col.10 line 10) as rejected above.

- Applicant asserts that the cited references do not disclose information based on a frequency of previously received search requests

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Examiner respectfully point out that the Sonnenberg reference still discloses information based on a frequency of previously received search requests (frequency of searching, see col.5 lines 24-43).

As a result, cited prior art does disclose a system and method for searching for a product data over a network, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.

Conclusion

5. Claims 1-4, 6-11, 13, 14, 21-24, 26 and 27 are **rejected**.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khanh Dinh
Primary Examiner
Art Unit 2151
11/23/2005